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Attorneys for R. Jerrell and Carol L. Glenn

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT

OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

Case No. 39576

Sub Case No.: 63-04595

**MOTION TO STRIKE AND FOR
ORDER REQUIRING PRO SE
CLAIMANTS TO COMPLY WITH
THE IDAHO RULES OF CIVIL
PROCEDURE AND SRBA
ADMINISTRATIVE ORDER 1**

R. Jerrell and Carol L. Glenn (the "Glenns") in the above-entitled subcase, through their attorneys Givens Pursley LLP and pursuant to Idaho Rule of Civil Procedure 12(f), hereby move to strike papers filed with the Clerk of the Court by *pro se* Claimants Dan and Connie Erskine and/or by Emmett McCurry on August 14, 2008. The filed papers (collectively "Papers") include one document styled as a "letter" to the Court consisting of seven handwritten pages referenced "From: Emmett McCurry," and a second document also styled as a "letter" to the Court consisting of four handwritten pages referenced "From Dan Erskine & Connie Erskine."

Grounds for Motion

1. The Papers contain patently immaterial, impertinent and scandalous allegations, presumably intended to prejudice the Court in this matter, and are not filed in response to any order of the Court or in support of or defense to any pending pleading or motion.

2. The Claimants have not complied with Idaho R. Civ. P. 7(a)-(b), Idaho R. Civ. P. 5(a)-(c) and Idaho R. Civ. P. 11 with respect to the required form of permitted pleadings and papers, the requirement of service on all parties, including the Glenns,¹ and the requirement that papers filed with Court be well grounded in fact, and are not interposed for any improper purpose such as to harass or cause unnecessary delay or needless increase in the cost of litigation.

3. The Papers constitute an impermissible *ex parte* communication with the Court.

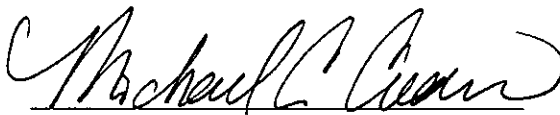
Relief Requested

For the foregoing reasons, the Glenns respectfully request that the Court issue an order:

- 1) striking the Papers in their entirety from all parts of the record of this or any other subcase;
- 2) requiring the *pro se* Claimants to hereafter comply fully with the Idaho Rules of Civil Procedure and SRBA Administrative Order 1 under pain of sanctions for future violations, including the payment of reasonable expenses and attorney fees incurred by the Glenns because of any such failure to comply; and 3) prohibiting any further *ex parte* communications with the Court.

Respectfully submitted this 2nd day of September, 2008.

GIVENS PURSLEY LLP

By 
Michael C. Creamer
Michael P. Lawrence

¹ Objectors only learned that the Papers had been filed through the courtesy of the Court Clerk.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 2nd of September, 2008, the foregoing was filed, served, or copied as follows:

ORIGINAL FILED

Clerk of the District Court
Snake River Basin Adjudication
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